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**VIRGINIA:**

**IN THE CIRCUIT COURT OF COUNTY OF HENRICO**

**ROBERT CASTILLO,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO.: \_\_\_\_\_**

**PUBLIX SUPER MARKETS, INC.**

**Defendant**

**COMPLAINT**

Plaintiff, Robert Castillo, seeks Judgment against Defendant Publix Supermarkets on the grounds and in the amount set forth herein for injuries sustained in trip and fall caused by Defendant's negligence. In support thereof, Plaintiff states as follows:

**PARTIES**

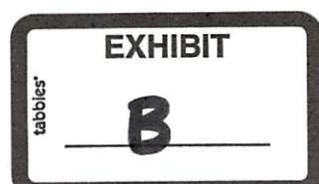
1. Plaintiff Robert Castillo ("Mr. Castillo" or "Plaintiff") is a resident and has his primary domicile in the Commonwealth of Virginia
2. Defendant Publix Super Markets, Inc ("Publix" or "Defendant") is a stock corporation authorized to transact business in the Commonwealth of Virginia.

**VENUE**

3. Venue is proper with this Court as the actions subject to this cause of action occurred in Henrico County.

**FACTS**

4. At all relevant times, the Defendant Publix Supermarkets, Inc. operated a store at 3460 Pump Road, Henrico, Virginia, 23233 open to the general public.



5. On August 1, 2020, Mr. Castillo drove to the Publix Supermarket located at 3460 Pump Road, Henrico, Virginia, 23233 to shop for groceries.

6. Mr. Castillo is a disabled veteran and parked his vehicle in a handicapped parking spot.

7. After parking his vehicle, Mr. Castillo proceeded to walk towards the entrance of the Publix Supermarket.

8. While on a pedestrian walkway, Mr. Castillo's foot tripped on a retractable sprinkler head located near the walkway. The retractable sprinkler head had failed to retract flush with ground level, as it was designed and intended to operate. As a result, the metal sprinkler head was raised several inches above ground level.

9. Before Mr. Castillo tripped on the malfunctioning sprinkler head, it was not marked in any way that would have called a pedestrian's attention to the potential tripping hazard.

10. After tripping on the sprinkler head, Mr. Castillo informed staff at the Publix Supermarket that the sprinkler head had failed to retract and he had just tripped on it. Staff then went out to the parking lot and placed an orange traffic cone over the un-retracted sprinkler head.

11. As a result of this trip, Mr. Castillo suffered personal injuries, resulting in surgery, a stay in the hospital, and impairment that effected his quality of life and ability to perform his professional responsibilities.

**COUNT I: NEGLIGENCE**

12. Mr. Castillo was an invitee at Publix Supermarket located at 3460 Pump Road, Henrico, Virginia, 23233 on August 1, 2020.

13. Defendant, its agents, servants and/or employees had a duty to exercise ordinary care to make the premises safe for the persons lawfully on the premises including Plaintiff.

Defendant Publix also had a duty to warn persons lawfully invited on the premises, including the Plaintiff, Robert Castillo, of unreasonably dangerous and/or hazardous conditions which Defendant, Publix Supermarkets knew, or in the exercise of reasonable care should have known, existed.

14. Notwithstanding the aforesaid duties, Defendant allowed the aforementioned property to be open on August 1, 2020, thereby inviting the public, including Plaintiff, onto the premises, even though Defendant knew, or in the exercise of reasonable care should have known, that the condition of the premises constituted an unreasonably dangerous and hazardous condition to persons lawfully on the premises, including Plaintiff.

15. Defendant knew or should have known that the retractable sprinkle head had failed to retract but failed to reasonably inspect the area and failed to address the un-retracted sprinkler head which reasonably prudent owners would have done under the circumstances.

16. Defendant, their agents, servants and/or employees failed to warn Plaintiff of the unreasonably dangerous and hazardous condition of the premises at the aforementioned time and place.

17. Defendant, their agents, servants and/or employees did carelessly, negligently, and recklessly allow to exist, without warning, an unreasonably dangerous and hazardous condition in the nature of a raised sprinkler head near a pedestrian walkway and handicap parking space, in an area used by the public at 3460 Pump Road, Henrico, Virginia, 23233. Defendant therefore breached their duty of care.

18. As a direct and proximate cause result of the Defendant's negligence, Plaintiff was caused to trip and catch his foot as he was travelling through the premises, and suffer severe, permanent, and ongoing injuries to his foot. In addition, Plaintiff has suffered and will in the future

suffer great pain of body and mind; has incurred and will in the future incur doctor, hospital, surgical, and related medical expenses in an effort to be cured of said injury; has suffered and will continue to suffer great inconvenience.

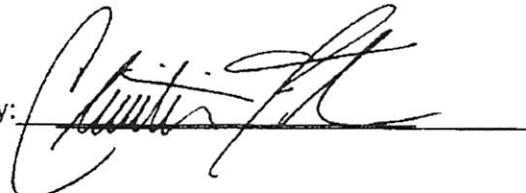
WHERFORE, the Plaintiff demands judgment against the Defendant, Publix Supermarket, in the sum of \$750,000 and prejudgment interest at the rate prescribed by law, as well as his costs expended.

**A JURY TRIAL IS DEMANDED**

Respectfully Submitted,

Robert Castillo

By:



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